

### **REMARKS**

The applicant respectfully requests reconsideration in view of the above-amendments and following remarks. Support for amended claim 30 can be found in claim 35 and in the specification at page 8. Support for newly added claim 65 can be found from the preferable language in claim 51.

Claim 33-38, 40 and 64 are rejected under 35 U.S.C. 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 30-33, 35-39 and 59-62 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over US Patent No. 4,931,155 (Dutcher et al.). Claim 30 is rejected under 35 U.S.C. 102(e) as anticipated by, or in the alternative, under 35 U.S.C. 103(a) as obvious over Thurmüller et. al., US Patent No. 6,663,764 ("Thurmüller"). Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutcher et al., U.S. Patent No. 4,931,155 ("Dutcher"). Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutcher and further in view of US Patent No. 4,824,532 (Moingeon et al.). Claims 63 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thurmüller. The applicant respectfully traverses these rejections.

### **112 Rejection**

Claim 33-38, 40 and 64 are rejected under 35 U.S.C. 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant has amended the claims and believes that the claims as amended are in compliance with 35 U.S.C. 112, second paragraph. For the above reasons, this rejection should be withdrawn.

**Prior art rejections**

Claims 30-33, 35-39 and 59-62 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Dutcher et al. Claim 30 is rejected under 35 U.S.C. 102(e) as anticipated by, or in the alternative, under 35 U.S.C. 103(a) as obvious over Thurmüller. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutcher. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutcher and further in view of Moingeon et al. Claims 63 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thurmüller.

The applicant's claimed invention requires that **T means an activating group containing a hetero atom selected from the group consisting of N-R4, O and S, wherein R4 is a hydrogen atom or an organic residue.** "T" would only have two available bonds one being to "C" and the other being to "Q". Therefore, "T" can only be a neutral group and not a charged group.

Thurmüller and Dutcher are the two primary references which teach away from the applicant's claimed invention. Thurmüller requires that the Nitrogen corresponding to "T" would be a charged group and not a neutral group (having 4 groups bonded to the nitrogen and not three groups as is required by the applicant's claimed nitrogen (NR4)). Dutcher also requires that the nitrogen carry a plus (+) charge. Therefore both Thurmüller and Dutcher teach away from the applicant's claimed invention. For the above reasons, these rejections should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 05129-00090-US from which the undersigned is authorized to draw.

Dated: June 5, 2009

Respectfully submitted,

Electronic signature: /Ashley I. Pezzner/  
Ashley I. Pezzner

Registration No.: 35,646  
CONNOLLY BOVE LODGE & HUTZ LLP  
1007 North Orange Street  
P. O. Box 2207  
Wilmington, Delaware 19899-2207  
(302) 658-9141  
(302) 658-5614 (Fax)  
Attorney for Applicant